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EXAMINER	
AHLUWALIA, NAVNEET K	
ART UNIT	**PAPER NUMBER**
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/631,878	HIND ET AL.	
	Examiner	Art Unit	
	Navneet K. Ahluwalia	2166	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 January 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-31* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-31* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. In view of the *appeal brief* filed on 01/08/2007, PROSECUTION IS HEREBY REOPENED. *New grounds of rejection are* set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

HOSAIN ALAM
SUPERVISORY PATENT EXAMINER

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1 – 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over James R Mault ('Mault' herein after) (US 2001/0044588 A1) further in view of Matthew et al. ('Matthew' herein after) (US 2002/0009119 A1).

With respect to claim 1.

Mault discloses a system for collecting information about a user of an electronic consumable, comprising: an electronic consumable displayed using an apparatus, the apparatus having an input device and a sensor (paragraphs 2, 14 and 42, Mault); wherein the sensor is activated by a user action to collect information about the user's behavior as the user consumes the electronic consumable (paragraphs 7 and 15, Mault).

However Mault does not disclose the sensor being activated by a user action explicitly as disclosed.

Matthew teaches the user action activation of the sensor (paragraph 46, Matthew).

It would have been obvious to one of ordinary skill in the art of data processing at the time of the present invention to combine the teachings of cited references because

they both are used to monitor and process data using sensors. Furthermore, the user activation being used to activate the sensor would make the sensor usage more effective (paragraph35, 39 and 45 –46, Matthew).

4. Claims 2 – 8 are rejected under the same rationale given for claim 1. The citations of the elements claimed and taught are listed below.

With respect to claim 2.

Mault modified teaches the system of claim 1, wherein the sensor is a device chosen from the group consisting of: a webcam, an infra red camera, an audio input, a video input, and a temperature sensor (paragraph 15, 42 and 78, Mault).

With respect to claim 3.

Mault modified teaches the system of claim 1, wherein the information collected is reported to a remote location (paragraph 2 and 14, Mault).

With respect to claim 4.

Mault modified teaches the system of claim 1, wherein by activating the input device, the user causes the information to be collected (paragraph 46, Matthew).

With respect to claim 5.

Mault modified teaches the system of claim 1, wherein the user activates the sensor by manipulating an object of the electronic consumable, and wherein embedded code of the object causes the information to be recorded in response to the user manipulating the object (paragraph 46, Matthew).

With respect to claim 6.

Mault modified teaches the system of claim 1, wherein the object of the electronic consumable can only be stored in containers that allow the embedded code of the object to function (paragraph 39, 42 and 59, Mault).

With respect to claim 7.

Mault modified teaches the system of claim 1, wherein the information is analyzed using data mining techniques (paragraph 7 and 14, Mault).

With respect to claim 8.

Mault modified teaches the system of claim 1, wherein the user can configure the collection and reporting of information (paragraph 7 and 14, Mault).

With respect to claim 9.

Mault discloses a system for collecting information about a user of an electronic consumable, comprising: an apparatus capable of displaying an electronic consumable; an electronic consumable comprising documents and objects (paragraphs 2, 14 and 42,

Mault);; wherein the documents and objects include instructions for automatically monitoring and reporting user behavior; and wherein a user action triggers the monitoring and reporting of the user behavior (paragraphs 7 and 15, Mault).

However Mault does not disclose the sensor being activated by a user action explicitly as disclosed.

Matthew teaches the user action activation of the sensor (paragraph 46, Matthew).

It would have been obvious to one of ordinary skill in the art of data processing at the time of the present invention to combine the teachings of cited references because they both are used to monitor and process data using sensors. Furthermore, the user activation being used to activate the sensor would make the sensor usage more effective (paragraph35, 39 and 45 –46, Matthew).

5. Claims 10 – 18 are rejected under the same rationale given for claim 9. The citations of the elements claimed and taught are listed below.

With respect to claim 10.

Mault modified teaches the system of claim 9, wherein the user behavior reported comprises how long the user looked at a first page of the document (paragraph 15, 42 and 78, Mault)..

With respect to claim 11.

Mault modified teaches the system of claim 9, wherein the user behavior reported comprises the time between the user opening an object and closing the object (paragraph 15, 42 and 78, Mault)..

With respect to claim 12.

Mault modified teaches the system of claim 9, further comprising a sensor as part of the apparatus, wherein the sensor collects biological information about the user (paragraph 15, 42 and 78, Mault)..

With respect to claim 13.

Mault modified teaches the system of claim 12, wherein the sensor is an infra red sensor, and wherein the biological information comprises the body temperature of the user as determined from the sensor (paragraph 15, 42 and 78, Mault)..

With respect to claim 14.

Mault modified teaches the system of claim 12, wherein the sensor is a camera, and wherein the biological information comprises facial expressions of the user (paragraph 15, 42 and 78, Mault).

With respect to claim 15.

Mault modified teaches the system of claim 14, wherein the facial expressions are classified according to a facial expression recognition algorithm (paragraph 15, 42

and 78, Mault)..

With respect to claim 16.

Mault modified teaches the system of claim 9, wherein the user behavior is analyzed using data mining techniques (paragraph 7 and 14, Mault).

With respect to claim 17.

Mault modified teaches the system of claim 9, wherein the objects can only be stored in containers that allow embedded code of the object to function (paragraph 7 and 14, Mault).

With respect to claim 18.

Mault modified teaches the system of claim 9, wherein the user can configure the collection and reporting of information by the system (paragraph 7 and 14, Mault).

With respect to claim 19.

Mault discloses a method of collecting information about a user of an electronic consumable, comprising the steps of: storing an electronic consumable on an apparatus, the apparatus providing means for displaying the electronic consumable (paragraphs 2, 14 and 42, Mault); in response to a user action, collecting information about the user, wherein the information is collected according to embedded code in an

object of the electronic consumable; and reporting the information across a network (paragraphs 7 and 15, Mault)..

However Mault does not disclose the sensor being activated by a user action explicitly as disclosed.

Matthew teaches the user action activation of the sensor (paragraph 46, Matthew).

It would have been obvious to one of ordinary skill in the art of data processing at the time of the present invention to combine the teachings of cited references because they both are used to monitor and process data using sensors. Furthermore, the user activation being used to activate the sensor would make the sensor usage more effective (paragraph35, 39 and 45 –46, Matthew).

6. Claims 20 – 24 are rejected under the same rationale given for claim 19. The citations of the elements claimed and taught are listed below.

With respect to claim 20.

Mault modified teaches the method of claim 19, wherein the reported information is analyzed using data mining techniques (paragraph 7 and 14, Mault).

With respect to claim 21.

Mault modified teaches the method of claim 19, wherein the information is collected by sensors of the apparatus (paragraph 15, 42 and 78, Mault).

With respect to claim 22.

Mault modified teaches the method of claim 21, wherein the sensors are selected from the group consisting of: a webcam, an infra red camera, an audio input, a video input, and a temperature sensor (paragraph 15, 42 and 78, Mault).

With respect to claim 23.

Mault modified teaches the method of claim 21, wherein the information includes biological information about the user (paragraph 15, 42 and 78, Mault).

With respect to claim 24.

Mault modified teaches the method of claim 19, wherein the object of the electronic consumable can only be stored in containers that allow the embedded code of the object to function (paragraph 39, 42 and 59, Mault).

With respect to claim 25.

Mault discloses a system for collecting information about a user of an electronic consumable, comprising: means for storing an electronic consumable on an apparatus, the apparatus providing means for displaying the electronic consumable (paragraphs 2, 14 and 42, Mault); in response to a user action, means for collecting information about the user, wherein the information is collected according to embedded code in an object

of the electronic consumable; means for reporting the information across a network (paragraphs 7 and 15, Mault).

However Mault does not disclose the sensor being activated by a user action explicitly as disclosed.

Matthew teaches the user action activation of the sensor (paragraph 46, Matthew).

It would have been obvious to one of ordinary skill in the art of data processing at the time of the present invention to combine the teachings of cited references because they both are used to monitor and process data using sensors. Furthermore, the user activation being used to activate the sensor would make the sensor usage more effective (paragraph35, 39 and 45 –46, Matthew).

7. Claims 26 – 30 are rejected under the same rationale given for claim 25. The citations of the elements claimed and taught are listed below.

With respect to claim 26.

Mault modified teaches the system of claim 25, wherein the reported information is analyzed using data mining techniques (paragraph 7 and 14, Mault).

With respect to claim 27.

Mault modified teaches the system of claim 25, wherein the information is collected by sensors of the apparatus (paragraph 15, 42 and 78, Mault).

With respect to claim 28.

Mault modified teaches the system of claim 27, wherein the sensors are selected from the group consisting of: a webcam, an infra red camera, an audio input, a video input, and a temperature sensor (paragraph 15, 42 and 78, Mault).

With respect to claim 29.

Mault modified teaches the system of claim 27, wherein the information includes biological information about the user (paragraph 15, 42 and 78, Mault).

With respect to claim 30.

Mault modified teaches the system of claim 25, wherein the object of the electronic consumable can only be stored in containers that allow the embedded code of the object to function (paragraph 39, 42 and 59, Mault).

With respect to claim 31.

Mault discloses a computer program product in a computer readable medium, comprising the computer implemented steps of: first instructions for storing an electronic consumable on an apparatus, the apparatus providing means for displaying the electronic consumable; in response to a user action, second instructions for collecting information about the user, wherein the information is collected according to embedded code in an object of the electronic consumable; third instructions for reporting the

information across a network; wherein the information includes biological information about the user.

However Mault does not disclose the sensor being activated by a user action explicitly as disclosed.

Matthew teaches the user action activation of the sensor (paragraph 46, Matthew).

It would have been obvious to one of ordinary skill in the art of data processing at the time of the present invention to combine the teachings of cited references because they both are used to monitor and process data using sensors. Furthermore, the user activation being used to activate the sensor would make the sensor usage more effective (paragraph35, 39 and 45 –46, Matthew).

Response to Arguments

8. Claims 1 – 31 are pending in this Office Action. After a further search and a thorough examination of the present application, claims 1 – 31 remain rejected. The rejection under 35 U.S.C. §101 to claim 31 is sustained. On page 14 lines 20 – 27 of the specification more than one media types are identified and the applicant is requested to limit the medium to a storage type in view of the transmission-type media forms. The rejection under 35 U.S.C. §112 to claims 26 – 30 are withdrawn in view of the amendment.

9. Examiner respectfully disagrees all of the allegations as argued. Examiner, in previous office action, gave explanation of claimed limitation and pointed out exact locations in the cited prior art.

Examiner is entitled to give claim limitations their broadest reasonable interpretation in light of the specification.

10. Interpretation of Claims-Broadest Reasonable Interpretation

During patent examination, the pending claims must be 'given the broadest reasonable interpretation consistent with the specification.' Applicant always has the opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 162 USPQ 541,550-51 (CCPA 1969).

11. Applicant's arguments filed with respect to claims 1 - 31 have been fully considered but they are not persuasive.

***First**, Applicant argues that there is no teaching in Hoshi that the sensor is activated by a user action to collect information.*

In response to Applicant's argument, the Examiner submits that Hoshi teaches that the sensor is activated by a user action, that is the set top box that would be integrated with node 11 would be powered on/off by the user thus it would function to collect information and relay information only when powered on by the user, this would be irrespective of the fact that it could be powered on once and left to be in the activated

state (Paragraphs 0145 – 0148). It is inherent from paragraph 0147 that the sensors (thermometers, cameras, and actuators) for monitoring have switches and control mechanisms for operation by the user. Therefore it would be inherent that a user activates the sensor to provide the functions of collecting information or relaying information or displaying information.

***Second**, Applicant argues that there is no teaching in Hoshi that by activating the input device the user causes the information to be collected or that the user activates the sensor by manipulating an object of the electronic consumable.*

In response to Applicant's argument, the Examiner submits that Hoshi teaches that the sensor is activated by a user action, that is the set top box that would be integrated with node 11 would be powered on/off by the user thus it would function to collect information and relay information only when powered on by the user, this would be irrespective of the fact that it could be powered on once and left to be in the activated state (Paragraphs 0145 – 0148). It is inherent from paragraph 0147 that the sensors (thermometers, cameras, and actuators) for monitoring have switches and control mechanisms for operation by the user. Therefore it would be inherent that a user activates the sensor to provide the functions of collecting information or relaying information or displaying information. Hoshi teaches that by activating the input device the user causes the information to be collected and that the user activates the sensor by manipulating an object of the electronic consumable. In paragraph 0144 Hoshi discloses that the data items stored in node are transmitted in order to analyze the information

and the profiles. It also discloses that the data items are transmitted regularly to the system service station.

***Third**, Applicant argues that there is no teaching in Hoshi that and that the object of the electronic consumable can only be stored in containers that allow the embedded code of the object to function and the information is collected according to embedded code in an object of the electronic consumable.*

In response to Applicant's argument, the Examiner submits that Hoshi discloses the TV program guide that stores items of broadcast and content delivery section, is obtained by the node 11 that is connected to the set top box. The set top box is inherently a hardware that would be programmed with some code to perform its functionalities of gathering information, storing it and then transmitting it for processing and analysis as explained in paragraph 0140. The information is collected according to what is being views keeping in mind the profile of the user and this would be possible to implement on a piece of hardware only it contained code embedded in it. Also the TV program guide is content information embedded in some language or code.

Claims 1, 9, 19, 25 and 31 along with their dependent claims recite the same subject matter and for the same reasons as cited above the rejection is maintained.

***Fourth**, In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one*

of ordinary skill in the art. See In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See In re McLaughlin, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

In response to applicant's argument on page 13, a prima facie case of obviousness is established when the teachings from the prior art itself would appear to have suggested the claimed subject matter to a person of ordinary skill in the art. Once such a case is established, it is incumbent upon appellant to go forward with objective evidence of unobviousness. In re Fielder, 471 F.2d 640, 176 USPQ 300 (CCPA 1973).

In response to applicant's argument, to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See In re Fine,

837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

"Test of obviousness is not whether features of secondary reference may be bodily incorporated into primary reference's structure, nor whether claimed invention is expressly suggested in any one or all of references; rather, test is what combined teachings of references would have suggested to those of ordinary skill in art."

In re Keller, Terry, and Davies, 208 USPQ 871 (CCPA 1981).

"Reason, suggestion, or motivation to combine two or more prior art references in single invention may come from references themselves, from knowledge of those skilled in art that certain references or disclosures in references are known to be of interest in particular field, or from nature of problem to be solved;" Pro-Mold and Tool Co. v. Great Lakes Plastics Inc. U.S. Court of Appeals Federal Circuit 37 USPQ2d 1626 Decided February 7, 1996 Nos. 95-1171, -1181

"[q]uestion is whether there is something in prior art as whole to suggest desirability, and thus obviousness, of making combination." Lindemann Maschinenfabrik GMBH v. American Hoist and Derrick Company et al. U.S. Court of Appeals Federal Circuit 221 USPQ 481 Decided Mar. 21, 1984 No 83-1178.

Hence, Applicant's arguments do not distinguish the claimed invention over the prior art of record. In light of the foregoing arguments, the 102 and 103 rejections are sustained.

Claim Rejections - 35 USC § 102

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

13. Claims 1 – 8, 19 – 22, 24 – 28 and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Hoshi et al. ('Hoshi' herein after) (US 2002/0083043 A1).

With respect to claim 1,

Hoshi discloses a system for collecting information about a user of an electronic consumable, comprising: an electronic consumable displayed using an apparatus, the apparatus having an input device and a sensor; wherein the sensor is activated by a user action to collect information about the user's behavior as the user consumes the electronic consumable (page 3 paragraph 0058 and 0059, Hoshi).

With respect to claim 2,

Hoshi discloses the system of claim 1, wherein the sensor is a device chosen from the group consisting of: a webcam, an infra red camera, an audio input, a video input, and a temperature sensor (paragraphs 0084 – 0085 & 0239, Hoshi).

With respect to claim 3,

Hoshi discloses the system of claim 1, wherein the information collected is reported to a remote location (Figure 12 and paragraph 0144, Hoshi).

With respect to claim 4,

Hoshi discloses the system of claim 1, wherein by activating the input device, the user causes the information to be collected (paragraph 0144 – 45, Hoshi).

With respect to claim 5,

Hoshi discloses the system of claim 1, wherein the user activates the sensor by manipulating an object of the electronic consumable, and wherein embedded code of the object causes the information to be recorded in response to the user manipulating the object (paragraph 0146 – 0147, Hoshi).

With respect to claim 6,

Hoshi discloses the system of claim 1, wherein the object of the electronic consumable can only be stored in containers that allow the embedded code of the object to function (Figure 7 & 10, Hoshi).

With respect to claim 7,

Hoshi discloses the system of claim 1, wherein the information is analyzed using data mining techniques (paragraph 0140, Hoshi).

With respect to claim 8,

Hoshi discloses the system of claim 1, wherein the user can configure the collection and reporting of information (paragraph 0154, Hoshi).

With respect to claim 19,

Hoshi discloses a method of collecting information about a user of an electronic consumable, comprising the steps of: storing an electronic consumable on an apparatus, the apparatus providing means for displaying the electronic consumable; in response to a user action, collecting information about the user (page 3 paragraph 0058 and 0059, Hoshi), wherein the information is collected according to embedded code in an object of the electronic consumable (paragraph 0146 – 0147, Hoshi); and reporting the information across a network (Figure 12 and paragraph 0144, Hoshi).

With respect to claim 20,

Hoshi discloses the method of claim 19, wherein the reported information is analyzed using data mining techniques (paragraph 0140, Hoshi).

With respect to claim 21,

Hoshi discloses the method of claim 19, wherein the information is collected by sensors of the apparatus (paragraph 0140, Hoshi).

With respect to claim 22,

Hoshi discloses the method of claim 21, wherein the sensors are selected from the group consisting of: a webcam, an infra red camera, an audio input, a video input, and a temperature sensor (paragraphs 0084 – 0085 & 0239, Hoshi).

With respect to claim 24,

Hoshi discloses the method of claim 19, wherein the object of the electronic consumable can only be stored in containers that allow the embedded code of the object to function (Figure 7 & 10, Hoshi).

With respect to claim 25,

Hoshi discloses a system for collecting information about a user of an electronic consumable, comprising: means for storing an electronic consumable on an apparatus, the apparatus providing means for displaying the electronic consumable (paragraph 0058, Hoshi); in response to a user action, means for collecting information about the user (paragraph 0059, Hoshi), wherein the information is collected according to embedded code in an object of the electronic consumable (paragraph 0146 – 0147, Hoshi); means for reporting the information across a network (Figure 12 and paragraph 0144, Hoshi).

With respect to claim 26,

Hoshi discloses wherein the reported information is analyzed using data mining techniques (paragraph 0140, Hoshi).

With respect to claim 27,

Hoshi discloses wherein the information is collected by sensors of the apparatus (paragraph 0140, Hoshi).

With respect to claim 28,

Hoshi discloses wherein the sensors are selected from the group consisting of: a webcam, an infra red camera, an audio input, a video input, and a temperature sensor (paragraphs 0084 – 0085 & 0239, Hoshi).

With respect to claim 30,

Hoshi discloses wherein the object of the electronic consumable can only be stored in containers that allow the embedded code of the object to function (Figure 7 & 10, Hoshi).

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

15. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

16. Claims 9 – 18, 23, 29 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoshi et al. ('Hoshi' herein after) (US 2002/0083043 A1) as applied to claims 1 – 8, 19 – 22, 24 – 28 and 30 above, and further in view of Fedorovskaya et al. ('Fedorovskaya' herein after) (2004/0101212 A1).

With respect to claim 9,

Hoshi discloses a system for collecting information about a user of an electronic consumable, comprising: an apparatus capable of displaying an electronic consumable; an electronic consumable comprising documents and objects; wherein the documents and objects include instructions for automatically monitoring and reporting user behavior; and wherein a user action triggers the monitoring and reporting of the user behavior (paragraphs 0058, 0059 and 0239, Hoshi).

Hoshi does not explicitly disclose monitoring and reporting user behavior as claimed.

Fedorovskaya teaches monitoring and reporting of user behavior (paragraph 0036 and 0047, Fedorovskaya).

It would have been obvious to one of ordinary skill in the art of data processing at the time of the present invention to combine the teachings of cited references because the analysis of the captured user behavior would lead to an accurate profiling of the users (paragraph 0062, Fedorovskaya). Furthermore, the classifications of emotions portrayed in pictures help in reviewing the information (paragraph 0009, Fedorovskaya). Also the monitoring/tagging of the user behavioral reactions and storing the information is taught in Fedorovskaya paragraphs 0036 – 38) and reporting the monitored, tagged user behavior would lead to accurate profiling of the users.

With respect to claim 10,

Fedorovskaya teaches wherein the user behavior reported comprises how long the user looked at a first page of the document (paragraph 0042, 0047, Fedorovskaya).

With respect to claim 11,

Hoshi discloses wherein the user behavior reported comprises the time between the user opening an object and closing the object (paragraph 0144, Hoshi).

With respect to claim 12,

Hoshi discloses further comprising a sensor as part of the apparatus (paragraph 0239, Hoshi), wherein the sensor collects biological information about the user

(paragraph 0043 – 47, Fedorovskaya).

With respect to claim 13,

Fedorovskaya teaches wherein the sensor is an infra red sensor, and wherein the biological information comprises the body temperature of the user as determined from the sensor (paragraph 0043, Fedorovskaya).

With respect to claim 14,

Fedorovskaya teaches wherein the sensor is a camera, and wherein the biological information comprises facial expressions of the user (paragraph 0044 and 0046, Fedorovskaya).

With respect to claim 15,

Fedorovskaya teaches wherein the facial expressions are classified according to a facial expression recognition algorithm (paragraph 0068, Fedorovskaya).

With respect to claim 16,

Hoshi discloses wherein the user behavior is analyzed using data mining techniques (paragraph 0140, Hoshi).

With respect to claim 17,

Hoshi discloses wherein the objects can only be stored in containers that allow embedded code of the object to function (Figure 7 & 10, Hoshi).

With respect to claim 18,

Hoshi discloses wherein the user can configure the collection and reporting of information by the system (paragraph 0154, Hoshi).

With respect to claim 23,

Hoshi discloses the method of claim 21, wherein the information includes biological information about the user (paragraph 0239, Hoshi).

Hoshi does not explicitly disclose the biological information as claimed.

Fedorovskaya teaches the biological information (paragraph 0043 – 47, Fedorovskaya).

It would have been obvious to one of ordinary skill in the art of data processing at the time of the present invention to combine the teachings of cited references because the analysis of the captured user behavior would lead to an accurate profiling of the users (paragraph 0062, Fedorovskaya). Furthermore, the classifications of emotions portrayed in pictures help in reviewing the information (paragraph 0009, Fedorovskaya). Also the monitoring/tagging of the user behavioral reactions and storing the information is taught in Fedorovskaya paragraphs 0036 – 38) and reporting the monitored, tagged user behavior would lead to accurate profiling of the users.

With respect to claim 29,

Hoshi discloses the method of claim 27, wherein the information includes biological information about the user (paragraph 0239, Hoshi).

Hoshi does not explicitly disclose the biological information as claimed.

Fedorovskaya teaches the biological information (paragraph 0043 – 47, Fedorovskaya).

It would have been obvious to one of ordinary skill in the art of data processing at the time of the present invention to combine the teachings of cited references because the analysis of the captured user behavior would lead to an accurate profiling of the users (paragraph 0062, Fedorovskaya). Furthermore, the classifications of emotions portrayed in pictures help in reviewing the information (paragraph 0009, Fedorovskaya). Also the monitoring/tagging of the user behavioral reactions and storing the information is taught in Fedorovskaya paragraphs 0036 – 38) and reporting the monitored, tagged user behavior would lead to accurate profiling of the users.

With respect to claim 31,

Hoshi discloses a computer program product in a computer readable medium, comprising the computer implemented steps of: first instructions for storing an electronic consumable on an apparatus, the apparatus providing means for displaying the electronic consumable (paragraph 0058, Hoshi); in response to a user action, second instructions for collecting information about the user (paragraph 0059, Hoshi), wherein

the information is collected according to embedded code in an object of the electronic consumable (paragraph 0146 – 0147, Hoshi); third instructions for reporting the information across a network (Figure 12 and paragraph 0144, Hoshi); wherein the information includes biological information about the user.

Hoshi does not explicitly disclose the biological information as claimed.

Fedorovskaya teaches the biological information (paragraph 0043 – 47, Fedorovskaya).

It would have been obvious to one of ordinary skill in the art of data processing at the time of the present invention to combine the teachings of cited references because the analysis of the captured user behavior would lead to an accurate profiling of the users (paragraph 0062, Fedorovskaya). Furthermore, the classifications of emotions portrayed in pictures help in reviewing the information (paragraph 0009, Fedorovskaya). Also the monitoring/tagging of the user behavioral reactions and storing the information is taught in Fedorovskaya paragraphs 0036 – 38) and reporting the monitored, tagged user behavior would lead to accurate profiling of the users.

Remarks

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 2204/0181457 A1 by Biebesheimer et al. disclose in paragraphs 0047 – 0048 the use of emotive data to aid in buyer's selection. It also teaches collection of this data, which includes changes in facial expressions, voice and body temperature.

Conclusion

18. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Navneet K. Ahluwalia whose telephone number is 571-272-5636.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alam T. Hosain can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Navneet

Navneet K. Ahluwalia
Examiner
Art Unit 2166

Dated: 05/25/2007

HOSAIN ALAM
SUPERVISORY PATENT EXAMINER